

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

District of New Mexico

OCT 16 2019
KTSMITCHELL R. ELFERS
CLERK

United States of America

v.

Isai Loya

Case No.

19 mj 3472

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 15, 2019 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Convicted felon in possession of a firearm

This criminal complaint is based on these facts:

See Attached

☒ Continued on the attached sheet.

Complainant's signature

Nathan Kempton, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/16/2019City and state: Albuquerque, New Mexico

Judge's signature

Steven C. Yarbrough

Printed name and title

Page 2 of 4 Pages

Criminal Complaint - Continued.

United States of America

V.

Isai Loya

SSN: 6402

1. Nathan Kempton, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Beginning in September of 2014, I attended a 26-week ATF academy in Glynco, Georgia that certified me as an ATF Special Agent.
3. As a Special Agent with the ATF and my prior experience as a law enforcement officer, I have conducted physical surveillance, interviewed sources of information and defendants, served search warrants and arrest warrants, investigated firearms and drug trafficking, and assisted on undercover firearms and narcotic investigations. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.
4. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18, 21, and 26, United States Code.
5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

Page 3 of 4 Pages

Criminal Complaint - Continued.

United States of America

V.

Isai Loya

SSN: 6402

PROBABLE CAUSE

6. On October 15, 2019, ATF executed a federal search warrant at 3501 Thaxton Avenue SE, Albuquerque, NM, the known residence of Isai LOYA. ATF has been investigating LOYA since July 2019 for illegal firearms possession and narcotics trafficking.
7. Upon executing the warrant, agents detained LOYA outside his residence in the driveway. At the time of contact, LOYA was wearing a red backpack and was sitting on his black Suzuki motorcycle. I advised LOYA of his rights per Miranda and questioned him about illegal items in the residence. LOYA immediately stated that he was a drug addict and had illegal narcotics inside his backpack. Upon looking inside the backpack, I observed multiple ounces of heroin, along with a quantity of methamphetamine in the outside pouch. LOYA further stated that he possessed three (3) firearms inside his residence. LOYA specifically identified the firearms as an AK-47 styled rifle, an AR-15 Styled rifle and a .9mm caliber pistol with a two-toned grip.
8. I identified one (1) of the firearms seized inside the residence as a Smith & Wesson model M&P, .9mm caliber pistol with serial number HNE8113. The pistol was located on the top shelf of a cabinet in the living room. The pistol was loaded with multiple rounds of .9mm ammunition. The pistol was consistent with the description given by LOYA.
9. LOYA stated that he knew he was convicted of at least two (2) felonies. I determined that LOYA has been convicted of the felonies of Aggravated Battery with a Deadly Weapon (Causing great bodily harm) in D-202-CR-200300055, Conspiracy to Commit Armed Robbery & Aggravated Fleeing a Law Enforcement Officer in D-202-CR-200804342 and Aggravated Battery with a Deadly Weapon in D-202-CR-201002733; all out of the Second Judicial District Court of the State of New Mexico
10. I also determined that the firearm and ammunition were not manufactured in New Mexico, therefore affecting interstate commerce.

Page 4 of 4 Pages

Criminal Complaint - Continued.

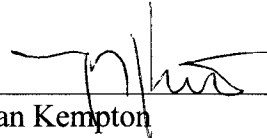
United States of America
V.

Isai Loya

SSN: 6402

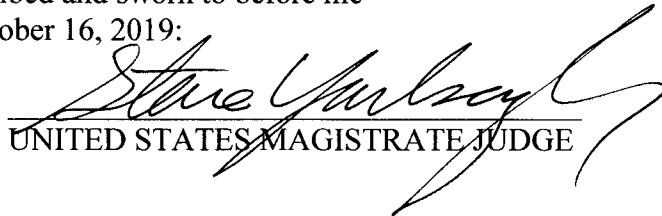
11. Based upon these facts, there is probable cause to believe that Isai LOYA, a multi convicted felon, possessed a firearm in violation of 18 U.S.C. 922(g)(1).

Respectfully submitted,



Nathan Kempton
Special Agent
ATF

Subscribed and sworn to before me
on October 16, 2019:


UNITED STATES MAGISTRATE JUDGE